



GOVERNMENT OF INDIA

Chandigarh Administration Gazette

Published by Authority

NO. 33] CHANDIGARH, MONDAY, MARCH 16, 2020 (PHALGUNA 26, 1941 SAKA)

CHANDIGARH ADMINISTRATION

LABOUR DEPARTMENT

Notification

The 9th March, 2020

No. 13/1/9728-HII(2)-2020/4209.—In exercise of the powers conferred by sub-section (i) of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) read with Government of India, Ministry of Labour & Employment's Notification No. S-11025/21/2003-IR(PL), dated 28.7.2004, the undersigned hereby publish the following award bearing reference No. 39/2019, dated 08.02.2020 delivered by the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT, Chandigarh between :

SUMIT GUPTA, S/O SHRI MALLU RAM, R/O HOUSE NO. 1176, BURAIL, SECTOR 45, CHANDIGARH (Workman).

AND

1. ANMOL INDUSTRIES LIMITED (THROUGH ITS OWNER/DIRECTORS/PROPRIETORS/MANAGER)

ADDRESS (1) : 229, A.J.C. BOSE ROAD, UNIT 3A, 3B, 3C & 3D, CRESCENT TOWER, 3RD FLOOR, KOLKATA - 700 020, WEST BENGAL.

ADDRESS (2) : MARKETING OFFICE (NORTH) : F-4-5, WAVE ONE, SLIVER TOWER, 5TH FLOOR, SECTOR 18, NOIDA-201301, UTTAR PRADESH

2. FRIENDS AGENCY, PLOT NO. 181/12, INDUSTRIAL AREA, PHASE-I, CHANDIGARH THROUGH ITS AUTHORISED SIGNATORY (Management)

AWARD

1. This award shall dispose off the industrial dispute received in this Court under Section 2-A(2) of the Industrial Disputes Act, 1947 (hereinafter called 'ID Act').

Signature Not Verified
Digitally signed by
JATINDER KUMAR
Date: 2020.03.16
16:18:39 (IST)
Reason: Published
Locally

2. Case of the workman in nutshell is that he was appointed as Territory Sales Incharge on 12.02.2018 at Chandigarh by management No. 1. On 11.06.2019 at about 6:30 P.M. he was called on his mobile by ASM Shri Dutt and then conference call on mobile with the Regional Sales Manager namely Shri Deepak Dhawan and told him not to come on duty from the next day and also to resign from the service otherwise they will terminate him. On 13.06.2019 Ms. Ankita-Team HR emailed the workman "we can not continue your services

with the organisation. You are advice to submit your resignation for easy exist" so the management illegally, arbitrarily and malafidely terminated the services of the workman without following the mandatory procedure laid down under the provisions of the ID Act.

2. During the pendency of the present industrial dispute, the workman settled his dispute with the management and made the following statement :—

"I have settled my dispute with the management and have received cheque No. 947575, dated 27.11.2019 for ₹ 44,020/- towards full & final settlement of my dispute. I am left with no right or claim whatsoever including reinstatement against the management. My present claim may be disposed of accordingly."

As such the present industrial dispute is disposed off as settled by way of compromise. Appropriate Government be informed. File be consigned to the record room.

(Sd.). . . .,

(ANSHUL BERRY),

Dated: 08-02-2020.

Presiding Officer,
Industrial Tribunal & Labour Court,
Union Territory, Chandigarh.
UID No.PB0095.

CHANDIGARH ADMINISTRATION

LABOUR DEPARTMENT

Notification

The 9th March, 2020

No. 13/1/9723-HII(2)-2020/4211.—In exercise of the powers conferred by sub-section (i) of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) read with Government of India, Ministry of Labour & Employment's Notification No. S-11025/21/2003-IR(PL), dated 28.7.2004, the undersigned hereby publish the following award bearing reference No. 85/2016, dated 08.02.2020 delivered by the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT, Chandigarh between :

SHIMLA, HOUSE NO. 4139/2, MALOYA COLONY, CHANDIGARH (Workman)

AND

SRI GURU HARKRISHAN SENIOR SECONDARY PUBLIC SCHOOL, SECTOR 40-C, CHANDIGARH THROUGH ITS PRINCIPAL (Management).

AWARD

1. This award shall dispose off the industrial dispute received in this Court under Section 2-A(2) of the Industrial Disputes Act, 1947 (hereinafter called 'ID Act').

2. Case of the workman in nutshell is that she was appointed as Lady Sweeper on 17.08.1993 and remained in uninterrupted employment of the management upto 20.10.2015 when her services were illegally & wrongly terminated by refusing of work.

3. The management contested the case of the workman and filed written statement that no termination order has been passed by the management. The workman was charge sheeted and departmental inquiry is under process.

4. The workman filed replication reiterating the averments of her case and denied the averments made in written statement. From the pleading of the parties, following issues were framed by the then Presiding Officer :—

1. Whether the services of the workman were terminated illegally by the management, if so, to what effect and to what relief she is entitled to, if any ? OPW
2. Relief.

5. In support of her case, the workman stepped into the witness box as AW1. Learned representative for the workman closed the evidence. On the other hand, the management examined Ms.Pritinder Kaur-Principal as MW1.

6. During the pendency of the present industrial dispute, learned representative for the workman made the following statement :—

"In view of the notification as well as latest citation of the Hon'ble High Court, I may kindly be allowed to withdraw the present industrial dispute with the liberty to file a fresh one before the Hon'ble Education Tribunal, Union Territory, Chandigarh."

Accordingly, the present industrial dispute is disposed off as withdrawn with a liberty to file a fresh before the Education Tribunal, Union Territory, Chandigarh. Appropriate Government be informed. File be consigned to the record room.

(Sd.). . . .,

(ANSHUL BERRY),

Presiding Officer,
Industrial Tribunal & Labour Court,
Union Territory, Chandigarh.
UID No. PB0095.

Dated: 08-02-2020.

CHANDIGARH ADMINISTRATION

LABOUR DEPARTMENT

Notification

The 9th March, 2020

No. 13/1/9724-HII(2)-2020/4213.—In exercise of the powers conferred by sub-section (i) of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) read with Government of India, Ministry of Labour & Employment's Notification No. S-11025/21/2003-IR(PL), dated 28.7.2004, the undersigned hereby publish the following award bearing reference No. 98/2016, dated 08.02.2020 delivered by the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT, Chandigarh between :

PARAMJIT SINGH, HOUSE NO. 3005, SECTOR 41-D, CHANDIGARH (Workman).

AND

SRI GURU HARKRISHAN SENIOR SECONDARY PUBLIC SCHOOL, SECTOR 40-C, CHANDIGARH THROUGH ITS PRINCIPAL (Management).

AWARD

1. This award shall dispose off the industrial dispute received in this Court under Section 2-A(2) of the Industrial Disputes Act, 1947 (hereinafter called 'ID Act').

2. Case of the workman in nutshell is that he was appointed as Security Guard on 01.10.2004 and remained in uninterrupted employment of the management upto 20.10.2015 when his services were illegally & wrongly terminated by refusing of work.

3. The management contested the case of the workman and filed written statement that no termination order has been passed by the management. The workman was charge sheeted and departmental inquiry is under process.

4. The workman filed replication reiterating the averments of her case and denied the averments made in written statement. From the pleading of the parties, following issues were framed by the then Presiding Officer :—

1. Whether the services of the workman were terminated illegally by the management, if so, to what effect and to what relief she is entitled to, if any ? OPW
2. Relief.

5. In support of her case, the workman stepped into the witness box as AW1. Learned representative for the workman closed the evidence. On the other hand, the management examined Ms.Pritinder Kaur-Principal as MW1.

6. During the pendency of the present industrial dispute, learned representative for the workman made the following statement :—

"In view of the notification as well as latest citation of the Hon'ble High Court, I may kindly be allowed to withdraw the present industrial dispute with the liberty to file a fresh one before the Hon'ble Education Tribunal, Union Territory, Chandigarh."

Accordingly, the present industrial dispute is disposed off as withdrawn with a liberty to file a fresh before the Education Tribunal, Union Territory, Chandigarh. Appropriate Government be informed. File be consigned to the record room.

(Sd.). . . .,

(ANSHUL BERRY),

Presiding Officer,
Industrial Tribunal & Labour Court,
Union Territory, Chandigarh.
UID No.PB0095.

Dated: 08-02-2020.

CHANDIGARH ADMINISTRATION

LABOUR DEPARTMENT

Notification

The 9th March, 2020

No. 13/1/9722-HII(2)-2020/4215.—In exercise of the powers conferred by sub-section (i) of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) read with Government of India, Ministry of Labour & Employment's Notification No. S-11025/21/2003-IR(PL), dated 28.7.2004, the undersigned hereby publish the following award bearing reference No. 84/2016, dated 08.02.2020 delivered by the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT, Chandigarh between :

PARVATI, HOUSE NO. 103/2, VILLAGE BUTRALA, CHANDIGARH (Workman)

AND

SRI GURU HARKRISHAN SENIOR SECONDARY PUBLIC SCHOOL, SECTOR 40-C, CHANDIGARH THROUGH ITS PRINCIPAL (Management).

AWARD

1. This award shall dispose off the industrial dispute received in this Court under Section 2-A(2) of the Industrial Disputes Act, 1947 (hereinafter called 'ID Act').

2. Case of the workman in nutshell is that she was appointed as Aya on 04.04.1994 and remained in uninterrupted employment of the management upto 20.10.2015 when her services were illegally & wrongly terminated by refusing of work.

3. The management contested the case of the workman and filed written statement that no termination order has been passed by the management. The workman was charge sheeted and departmental inquiry is under process.

4. The workman filed replication reiterating the averments of her case and denied the averments made in written statement. From the pleading of the parties, following issues were framed by the then Presiding Officer :—

1. Whether the services of the workman were terminated illegally by the management, if so, to what effect and to what relief she is entitled to, if any ? OPW
2. Relief.

5. In support of her case, the workman stepped into the witness box as AW1. Learned representative for the workman closed the evidence. On the other hand, the management examined Ms. Pritinder Kaur-Principal as MW1.

6. During the pendency of the present industrial dispute, learned representative for the workman made the following statement :—

"In view of the notification as well as latest citation of the Hon'ble High Court, I may kindly be allowed to withdraw the present industrial dispute with the liberty to file a fresh one before the Hon'ble Education Tribunal, Union Territory, Chandigarh."

Accordingly, the present industrial dispute is disposed off as withdrawn with a liberty to file a fresh before the Education Tribunal, Union Territory, Chandigarh. Appropriate Government be informed. File be consigned to the record room.

(Sd.). . . .,

(ANSHUL BERRY),

Presiding Officer,
Industrial Tribunal & Labour Court,
Union Territory, Chandigarh.
UID No.PB0095.

Dated: 08-02-2020.

CHANDIGARH ADMINISTRATION

LABOUR DEPARTMENT

Notification

The 9th March, 2020

No. 13/1/9409-HII(2)-2020/4217.—In exercise of the powers conferred by sub-section (i) of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) read with Government of India, Ministry of Labour & Employment's Notification No. S-11025/21/2003-IR (PL), dated 28.7.2004, the undersigned hereby publish the following award bearing reference No. 21/2018, dated 08.02.2020 delivered by the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT, Chandigarh between :

1. MANJIT SINGH 2. GURMEET SINGH S/O SHRI KIRPAL SINGH 3. SATNAM SINGH S/O SHRI JASWANT SINGH 4. JARNAIL SINGH 5. DIDAR SINGH 6. HARDEV SINGH S/O SHRI JARNAIL SINGH 7. RANVIR SINGH S/O SHRI FATEH SINGH 8. KULWINDER SINGH S/O SHRI HARMINDER SINGH 9. BABU KHAN S/O SHRI MAST KHAN 10. BAWA SINGH

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S/O SHRI MASTAN SINGH 11. KAMALJEET SINGH 12. KIRPAL SINGH 13. BALBIR SINGH 14. BHAGWANT SINGH 15. HARDEV SINGH-I 16. PARMINDER SINGH 17. AVTAR SINGH. ALL DRIVERS OF RAYAT & BAHRA GROUP OF INSTITUTES (Workmen)

AND

1. CHAIRMAN-CUM-MANAGING DIRECTOR, RAYAT & BAHRA GROUP OF INSTITUTES, S.C.O. NO. 126-127, LEVEL 3 & 4, SECTOR 34-A, CHANDIGARH

2. REGISTRAR, RAYAT & BAHRA DEEMED UNIVERSITY, SAHAURAN, DISTRICT SAS NAGAR, MOHALI. (Management)

referred to the said court by the Chandigarh Administration bearing Endorsement No. 13/1/9409-HII(2)-2018/5819, dated 16.03.2018.

AWARD

1. Below mentioned Reference bearing Endorsement No.13/1/9409-HII(2)-2018/5819, dated 16.03.2017 received from the Secretary Labour, Chandigarh Administration is being disposed of :—

"Whether the demand raised in the demand notice dated 27.03.2015 by The 17 employees (Drivers) of Rayat & Bahra Group of Institutes named as following :—Manjit Singh, Gurmeet Singh S/o Shri Kirpal Singh, Satnam Singh S/o Shri Jaswant Singh, Jarnail Singh, Didar Singh, Hardev Singh S/o Jarnail Singh, Ranvir Singh S/o Shri Fateh Singh, Kulwinder Singh S/o Shri Harminder Singh, Babu Khan S/o Shri Mast Khan, Bawa Singh S/o Shri Mastan Singh, Kamaljeet Singh, Kirpal Singh, Balbir Singh, Bhagwant Singh, Hardev Singh-I, Parminder Singh, Avtar Singh And (1) The Chairman-cum-Managing Director, Rayat & Bahra Group of Institutes, S.C.O. 126-127, Level 3 & 4, Sector 34-A, Chandigarh. (2) The Registrar, Rayat and Bahra Deemed University, Sahauran, District SAS Nagar (Mohali), are genuine and justified. If so, to what effect and to what relief the Union/Workers are entitled to, if any?

2. Shri Manjit Singh & Others (hereinafter called "workmen") had served demand notice dated 27.03.2015 upon the Chairman-cum-Managing Director, Rayat & Bahra Group of Institutes & Another (hereinafter called "management") under Section 2(k) of the Industrial Disputes Act, 1947 (hereinafter called "ID Act"). Upon notice, the workmen appeared through its representative. Case of the workmen in nutshell is that they are discharging their duties as Drivers with the management. In the year 2012, regular pay scales of the Driver were introduced by the management but the same were denied to the workmen. Further the management had denied the promotion to them in the respective category of Drivers.

3. During the pendency of the present reference, learned representative for the workmen made the following statement:-

"In view of the notification as well as latest citation of the Hon'ble High Court, I may kindly be allowed to withdraw the present industrial dispute with the liberty to file a fresh one before the Hon'ble Education Tribunal, Union Territory Chandigarh."

Accordingly, the present reference is disposed off as withdrawn with a liberty to file a fresh before the Education Tribunal, Union Territory, Chandigarh. Appropriate Government be informed. File be consigned to the record room.

(Sd.). . . ,

(ANSHUL BERRY),

Dated: 18-02-2020.

Presiding Officer,
Industrial Tribunal & Labour Court,
Union Territory, Chandigarh.
UID No.PB0095.

CHANDIGARH ADMINISTRATION

LABOUR DEPARTMENT

Notification

The 9th March, 2020

No. 13/1/9733-HII(2)-2020/4219.—In exercise of the powers conferred by sub-section (i) of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) read with Government of India, Ministry of Labour & Employment's Notification No. S-11025/21/2003-IR(PL), dated 28.7.2004, the undersigned hereby publish the following award bearing reference No. 106/2018, dated 08.02.2020 delivered by the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT, Chandigarh between :

HAKIM SINGH, S/O SHRI GOPI PARSHAD, R/O HOUSE NO. 49, CHAUDHARY COMPLEX, SECTOR 12-A, VILLAGE RALLY, PANCHKULA (Workman).

AND

1. ASPHALT CARPET CONSTRUCTION CO. PRIVATE LIMITED, MAIN OFFICE AT HOUSE NO. 86, SECTOR 19-A, CHANDIGARH THROUGH ITS MANAGING DIRECTOR & MANAGER. WORKSHOP "CALLED AS LOOK PLANT" NEAR BALAK NATH MANDIR, GAS COLONY ROAD, VILLAGE DARIYA, CHANDIGARH

2. NARENDER KUMAR GUPTA-MANAGING DIRECTOR, M/S ASPHALT CARPET CONSTRUCTION CO. PRIVATE LIMITED, HOUSE NO. 86, SECTOR 19-A, CHANDIGARH (Management)

AWARD

1. This award shall dispose off the industrial dispute received in this Court under Section 2-A(2) of the Industrial Disputes Act, 1947 (hereinafter called 'ID Act').

2. Case of the workman in nutshell is that he was appointed by the management with effect from 01.01.2005 as High Skilled Worker and he worked with the management upto 26.11.2016. On 27.11.2016, the workman reported for duty but the management refused to allow him duty. The management had violated the provisions of Section 25-F, 25-G & 25-H of the ID Act.

3. During the pendency of the present industrial dispute, learned representative for the workman made the following statement :—

"As the workman is not contacting me for pursuing his case, I withdraw the present industrial dispute at this stage. The same may be disposed off accordingly with a liberty to file a fresh one whenever the workman will approach to pursue his case."

Accordingly, this industrial dispute is disposed off as withdrawn with a liberty to file fresh one whenever the workman will approach to pursue his case. Appropriate Government be informed. File be consigned to the record room.

(Sd.). . . .,

(ANSHUL BERRY),

Presiding Officer,

Industrial Tribunal & Labour Court,

Union Territory, Chandigarh.

UID No.PB0095.

Dated: 08-02-2020.

CHANDIGARH ADMINISTRATION

LABOUR DEPARTMENT

Notification

The 9th March, 2020

No. 13/1/9731-HII(2)-2020/4221.—In exercise of the powers conferred by sub-section (i) of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) read with Government of India, Ministry of Labour & Employment's Notification No. S-11025/21/2003-IR(PL), dated 28.7.2004, the undersigned hereby publish the following award bearing reference No. 8/2017, dated 08.02.2020 delivered by the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT, Chandigarh between :

SANDEEP KUMAR, HOUSE NO. 1202, PHASE-I, RAM DARBAR, CHANDIGARH (Workman).

AND

SWAMI AUTOMOTIVES (P) LIMITED, PLOT NO. 72, INDUSTRIAL AREA, PHASE-I, CHANDIGARH THROUGH ITS MANAGING DIRECTOR (Management).

AWARD

1. This award shall dispose off the industrial dispute received in this Court under Section 2-A(2) of the Industrial Disputes Act, 1947 (hereinafter called 'ID Act').

2. Case of the workman in nutshell is that he was appointed by the management as Body Technician (Dentor) on 17.04.2010 and he remained in uninterrupted employment upto 19.02.2016 when his services were illegally & wrongly terminated by refusing work.

3. The management contested the case of the workman and filed written statement that the workman was never serious regarding his work & conduct and on one pretext or other used to leave the job and also used to go other workshops to meet his friends. On asking he used to misbehave with the officials and create unpleasant scenes.

4. The workman filed replication reiterating the averments of his case and denied the averments made in written statement. From the pleadings of the parties, following issues were framed :—

1. Whether the services of the workman were terminated illegally by the management, if so, to what effect and to what relief he is entitled to, if any ? OPW

2. Relief.

5. In support of the case, the workman stepped into the witness box as AW1. During the pendency of the present industrial dispute, the case was taken in Lok Adalat and parties settled their dispute amicable. The Factory Manager of the management made the following statement :—

"The management is ready to settle the dispute with the workman for a sum of ₹ 60,000/- as full and final settlement of his dispute."

Upon which the workman made the following statement :—

"I have heard the statement of Shri Suresh Sharda Factory Manager and accept the offer made by him. I have received Cheque No. 003387 dated 08.02.2020 for ₹ 60,000/- drawn on HDFC Bank, Plot No. 28, Industrial Area, Phase-I, Chandigarh from the management towards full and final settlement of my claim. Now I am left with no right or claim, whatsoever including reinstatement, against the management. The present industrial dispute may kindly be disposed off accordingly."

Accordingly, the present industrial dispute is disposed off as settled by way of compromise. Appropriate Government be informed. File be consigned to the record room.

Dated : 08-02-2020.

(Sd.). . . ,
(ANSHUL BERRY),

Presiding Officer,
Industrial Tribunal & Labour Court,
Union Territory, Chandigarh.
UID No.PB0095.

Secretary Labour,
Chandigarh Administration.

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